



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 28, 1998

Ms. JoAnn S. Wright
Walsh, Anderson, Brown,
Schulze & Aldridge, P.C.
P.O. Box 168046
Irving, Texas 75016-8046

OR98-1774

Dear Ms. Wright:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117083.

The Hurst-Euless-Bedford School District (the "district") received a request for solicited proposals from law firms for the collection of the district's delinquent ad valorem taxes. You contend that information responsive to the request is excepted from required public disclosure by section 552.104 of the Government Code. We have considered your arguments and reviewed the information submitted.

Section 552.104 excepts from required public disclosure "information that, if released, would give advantage to a competitor or bidder." The purpose of this exception is to protect the purchasing interests of a governmental body, usually in competitive bidding situations prior to the awarding of a contract. Open Records Decision No. 593 (1991) at 2. Section 552.104 requires a showing of some actual or specific harm in a particular competitive situation; a general allegation that a competitor will gain an unfair advantage will not suffice. Open Records Decision No. 541 (1990) at 4. Section 552.104 is generally invoked to except information submitted to a governmental body as part of a bid or similar proposal. *See, e.g.*, Open Records Decision No. 463 (1987).

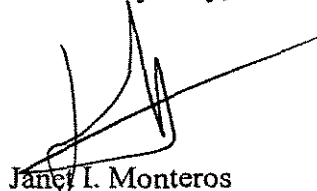
You state that the district has not yet taken action to select a tax collection firm and that the matter will be addressed by the Board of Trustees on or before June 16, 1998." We have not received any further communication from your office demonstrating finalization of the contractual negotiations.¹ Therefore, we conclude that the district may withhold the

¹You inform this office in your May 14, 1998 correspondence that after the district takes action on the proposals it will release the information.

information which you have asserted is excepted from disclosure under section 552.104. Open Records Decision No. 170 (1977) at 2. Once the competitive bidding process is completed and a contract has been awarded, you may not continue to withhold this information under section 552.104. Open Records Decision No. 541 (1990) at 5.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', written over a horizontal line.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/nc

Ref.: ID# 117083

Enclosures: Submitted documents

cc: Ms. Barbara Williams
Rohne, Hoodenpyle, Lobert, Myers & Williams
P.O. Box 13010
Arlington, Texas 76094-0010
(w/o enclosures)